

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

<b>EDWIN J. RUST,</b>	)	<b>CIVIL ACTION NO. 3:10-CV-00029</b>
	)	
<b>PLAINTIFF,</b>	)	
	)	<b><u>ORDER</u></b>
<b>v.</b>	)	
	)	
<b>ELECTRICAL WORKERS LOCAL</b>	)	
<b>NO. 26 PENSION TRUST FUND, ET AL.,</b>	)	
	)	<b>JUDGE NORMAN K. MOON</b>
<b>DEFENDANTS.</b>	)	

Regarding attorney's fees and costs in this matter, two motions (docket nos. 80 & 102) and a magistrate judge's report and recommendation (docket no. 111) remain pending. On July 12, 2012, the United States Court of Appeals for the Fourth Circuit issued an order (docket no. 114) pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure dismissing the appeal upon consideration of the parties stipulated motion to voluntarily dismiss. The Court also issued its mandate (docket no. 115) pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. Accordingly, the pending motions are **DENIED as MOOT**, and I will not address the pending report and recommendation, which will be terminated.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this order to all counsel of record.

Entered this 14<sup>th</sup> day of August, 2012.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE